

REMARKS/ARGUMENTS

Claims 1-47 are pending in the application. The Examiner had required a restriction and Applicants have elected, with traverse, group I namely claims 1-38 and 41. Applicants additionally elected, with traverse, group (j) (i.e., cytochrome C with a single mutation at position 72 or DNA encoding it). Claims 7 and 10 relate to non-elected invention and have been withdrawn.

The Examiner asserts that the Applicants' response to the restriction requirement failed to comply with sequence rules. Specifically, the Examiner states that in claims 5-10, no SEQ ID NO. is assigned to the modified cytochrome c. The Examiner states that as such search and examination is not feasible.

In response, Applicants submit that the sequence of the wild type cytochrom C is presented in the specification as SEQ ID NO: 2 (Figure 5). The specification and the claims discuss many modifications to the cytochrom C protein. Each of the modified proteins contains one or more amino acid changes at the specified positions. Furthermore, the elected group (j) (i.e., cytochrome C with a single mutation at position 72) is related to a mutation at a particular location of the amino acid chain. Applicants submit that this is a situation where MPEP 2422.03 applies ("It is generally acceptable to present a single, general sequence in accordance with the sequence rules and to discuss and/or claim variants of that general sequence without presenting each variant as a separate sequence in the 'Sequence Listing'"). Applicants therefore respectfully request reconsideration and withdrawal of the objection.

Appl. No. 10/583,591
Amendment dated March 3, 2010
Reply to Office action of February 3, 2010

Applicants assert that the claims are in allowable form and earnestly solicit the allowance of claims 1-6, 8-9, 11-38 and 41.

Early and favorable consideration is respectfully requested.

Respectfully submitted,
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